

MINUTES OF THE PLANNING COMMISSION MEETING OF JUNE 22, 2005, AT 6:00 P.M.
IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS.

MEMBERS PRESENT: Jim Keane, Doug Haymore, Gordon Nicholl, JoAnn Frost, Sue Ryser,
Blaine Davis, and Jerri Harwell, Tom Bowen

STAFF PRESENT: Community Development Director Kevin Smith, City Planner
Michael Black, City Attorney Shane Topham, City Recorder
Linda Dunlavy

ALSO PRESENT: Steve Hopkins, Mike Archuleta, Chris Connealy, Georgie Lewis,
Deanne Leatherman, Keith Biesinger, Gary McGee, Fern Baird, Vicky
Kaufmann, Verl & Joyce Shell, Garry Kershaw, Greg & Jolie Pope,
Doug Shelby, Andrew Springer

1.0 **PUBLIC COMMENT**

1.1 No public comments were received.

2.0 **RECOMMENDATION TO GRANT EASEMENT TO UTAH POWER AT 7320
SOUTH WASATCH BLVD.**

2.1 This item will be referred directly to the City Council.

3.0 **AMENDMENTS, REVISIONS, AND MODIFICATIONS TO THE
COTTONWOOD HEIGHTS CITY CODE – RECOMMENDATION FOR
ADOPTION – PUBLIC HEARING**

3.1 Community Development Director Kevin Smith explained that the Planning Commission needs to make a recommendation to the City Council on the Zoning Ordinance, the Subdivision Ordinance and the Zoning Map in order to stay on schedule for adoption.

3.2 Chris Connealy, representing Mike Archuleta, stated that they would like to see the property at 6569 Black Stone Road rezoned to multi-family residential. He explained that there are only two properties not zoned for multi-family residential. He also noted that this property is located on a dead-end street.

The Commission reviewed a map of the area.

Mr. Connealy said that Mr. Archuleta is selling the property and the buyer wants to put duplexes on the property which is consistent with what exists.

3.3 Georgie Lewis, employee of John Moran Eye Center at the Old Mill Medical Center located at 6360 South 3000 East, expressed concern regarding signage on the building. She stated that they have been denied signage on the building by the Boyer Company.

She stated that she hoped the Planning Commission would not become more restrictive in signage.

Mr. Black explained that 15 percent of the wall area can be used. He will research the approval to make sure that there were no documents recorded that would preclude the 15 percent of signage.

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- 3.4 Deann Leatherman, representing Young Electric Sign, stated that awnings are only allowed in commercial and mixed use zones. She explained that often in research parks or office buildings awnings are used with the business name which would be considered a sign. She also stated that it is her understanding that electronic message centers will not be allowed.

Mr. Black explained time, temperature and public information signs will be allowed.

Ms. Leatherman said that electronic message centers can be regulated so that there is no flashing and how often the copy changes.

Mr. Black stated that flashing, blinking, chasing lights are prohibited.

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- 3.5 Steven Hopkins, Old Mill Corporate Center, 6322 South 3000 East, stated that as a neighbor to the Moran Eye Center he would be supportive of another sign. Commenting on the zoning ordinance, he said that green space requirements have been increased in the ORD zone to 35 percent. He said that all of the buildings in the zone were built out under the County requirements of 30 percent green space.

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- 3.6 Keith Biesinger, owner of Hog Wallow Pub, 3200 East Big Cottonwood Canyon Road, requested that the Planning Commission consider an amendment to Section 19.16.030 and include a private club as a conditional use.

Mr. Nicholl said that last week the Planning Commission approved the change of zoning for this parcel to Neighborhood Commercial. He said that the City needs to contact the State and obtain the wording they use for a private club.

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- 3.7 Gary McGee, 3502 Big Rock Lane, said that development has recently been proposed adjacent to his property and he would like to see all of the property in that area remain R-1-21. He said that he does not favor anything less than R-1-15.

Mr. Black said that the zoning map from the County showed the area being discussed at A-1 and R-1-15.

Mr. McGee said that he could agree with R-1-15 zoning.

- 3.8 Jill McGee, 3502 Big Rock Lane, said the property across the street is Salt Lake County and there has been talk of encouraging the owner to annex into Cottonwood Heights. She said that property taxes are of extreme importance to a new City and if half acre lots are maintained, the City will have that type of housing. She said that she could live with R-1-15 excluding sidewalk and curb, but feels it would be more beneficial to keep the property at half acre zoning.

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- 3.9 Andrew Springer, 9104 Treasure Way, said that he would like to see the property in his area stay in keeping with previous agreements, noting that Mr. McGee covered his concerns.

Ms. Frost said the Commission could leave this property as R-1-21 until the City reviewed the County files.

City Attorney Shane Topham noted that the Planning Commission is not bound by what Salt Lake County Planning Commission did and is entitled to rezone within reason.

Mr. Springer noted that access to the property for fire purposes also needs to be addressed.

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- 3.10 **MOTION:** Mr. Haymore moved that the yellow zone that is now R-1-15 on the zoning map, based upon the discussion which was held, be changed to RR-1-21. The motion was seconded by Ms. Harwell.

Mr. Haymore said that there was a specific plan presented to the community and a compromised reach where in all of the property abuts current half-acre lots would be zoned half-acre and then third-acre lots. That was a negotiated agreement based upon a specific plan. Since the plan is no longer in place it seems appropriate to have the neighborhood stay the way it is.

Ms. Frost expressed support for that zone in that area. She said the City is limited to that kind of development and is consistent with what the City wants to see.

Mr. Haymore stated for the record that his home abuts the property being discussed and withdrew his motion so that there would be no perceived conflict of interest. Ms. Harwell withdrew her second.

- 3.11 **MOTION:** Ms. Frost moved that the yellow zone that is now R-1-15 be changed to RR-1-21 which is consistent. The motion was seconded by Ms. Harwell

Mr. Nicholl said that there was an agreement made at the County that the properties that abut the property on Big Rock Road would be the County's designation of R-1-21, but the rest of the property around the parcel, not abutting Big Rock Road would be third-acre lots.

Ms. Frost said that her motion includes the entire piece. She said that there is no plan before the Commission and they need to plan for the community.

The motion passed unanimously on a voice vote with Mr. Haymore abstaining due to the fact that he owns abutting property.

- 3.12 **MOTION:** Mr. Nicholl moved to change the zoning on the Archuleta property and all of the property from the on-ramp of I-215 eastbound that is currently zoned R-1-8 to RM in order to be consistent with the surrounding area. The motion was seconded by Ms. Frost.

Mr. Keane questioned how this change would affect the current landowners.

Mr. Black stated that it will change the tax status on the property and will bring it into consistency with what is already happening on the property.

The motion passed unanimously on a voice vote.

Chair Bowen resumed the public hearing.

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- 3.13 Fern Baird, said that the Butler Hills and Crestwood neighborhoods are zoned R-1-8 and would like the Planning Commission to consider zoning the area R-1-21.

Mr. Smith reviewed the zoning in the area noting that they are recommending it be left at that zoning.

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- 3.14 Vicky Kaufman, Willow Creek area, stated that they want their area zoned for single-family usage. She said that many people are buying the older homes and making them into apartments and renting them out to non-family members. Ms. Kaufman explained that there is a home for sale that is being marketed as a multi-family listing.

Mr. Smith said that over the next three months the issue of accessory apartments will be discussed. However, if Ms. Kaufman can give the City evidence of the marketing, the Code Enforcement Officer can address that issue.

Chair Bowen also suggested her concerns be put in writing and sent to the City.

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- 3.15 Joyce Shell, Highland Drive and Creek Road, said that she understood that the eight lots facing Highland Drive were to be included in the Neighborhood Commercial zoning, but only the first three from Creek Road north show Neighborhood Commercial.

Mr. Smith explained the differences between the Land Use map in the General Plan and the Zoning map.

Ms. Shell said that she would like to see her property the same commercial zoning as the properties it is adjacent to including the Willow Creek Veterinarian, the Reception Center at Heritage House., and a professional building. She believes that Neighborhood Commercial is very narrow and would like to see the definitions broadened to be more inclusive of permitted and conditional uses and that no votes are assumed today regarding the acceptance of this zoning because it is inadequate, restrictive, unreasonable and is prejudicial.

Mr. Smith explained that the subject property has never been zoned commercial, the Land Use Map shows the property as Neighborhood Commercial which is a zone that accommodates property on very busy streets, but yet surrounded by a lot of residential.

Mr. Haymore stated that he does not believe Neighborhood Commercial is appropriate for the properties on Highland Drive and that mixed use may be more appropriate.

Ms. Frost said that in defense of the community to the south, she believes that information should be taken, but no action at this time.

Further discussion was held regarding this property.

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- 3.16 Gary Kirshaw, 8052 Highland Drive, said that one of the issues on Highland Drive is what the area should be zoned. He said that Neighborhood Commercial is narrow and would like to see it zoned as a Mixed Use because it would be a better fit. It accommodates the transition from Highland Drive to the residential neighborhood and collectively that would be the recommendation of the neighbors.

Mr. Haymore said that Neighborhood Commercial should be more restrictive and more unique and Highland is clearly not Neighborhood Commercial, it is something different..

Mr. Kirshaw said that he would like to see financial institutions, parking, medical, dental and optical.

Mr. Black said that he believes that financial institutions are an allowed use in Neighborhood Commercial. He explained that Neighborhood Commercial and mixed

use are different because of the size. Neighborhood Commercial should fit into the neighborhood and blend.

Mr. Kirshaw suggested the definitions be reviewed and improved.

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- 3.17 Greg Pope, 7884 South Highland Drive, stated he owns the veterinary clinic and is in favor of changing the zoning to something that would be more conducive to a business environment. He said that UDOT shows 85,000 cars per day between Creek Road and I-215 as of 2003. He agreed that definitions need to be clarified.

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- 3.18 Doug Shelby, Walker Development, said that he does not agree with the proposed zoning as shown. He said that he does not want to see a residential zone on that property because it is so difficult to work through. He also noted that there is no commercial zoning under this plan for the Old Mill, which is currently C-2 and C-1, which he wants to maintain.

Further discussion was held on the history of the Walker property and the zoning under the County.

The Planning Commission recessed for 15 minutes.

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- 3.19 Chair Bowen closed the public hearing.
- 3.20 Mr. Smith stated that the Historic and Gateway Overlay Districts have been modified and may need more discussion. He noted that typographical formatting errors will be corrected.

MOTIONS ON ZONING MAP

- 3.21 **MOTION:** Mr. Haymore moved that every property that abuts or fronts Highland Drive from Creek Road to the north be zoned Neighborhood Commercial.

Second: The motion was seconded by Mr. Nicholl.

Discussion: Mr. Haymore said that Mr. Bowen stated that the purpose of the zoning map is to reflect what currently exists if possible. He said that the residential zone on Highland drive does not reflect what is there.

Ms. Frost said that she does not believe the Commission is ready to make the change until there is a better understanding of the zone. She said that there are no plans before the Commission and felt it would be better to wait and do it at a later time.

Chair Bowen said that this area is very sensitive and the Commission needs to be very careful, and if it means dealing with it after the adoption of the General Plan, that is fine.

Mr. Haymore said that the only appropriate zone for the property being discussed is commercial. He said that the Commission is passing a zoning that states this property is residential and it is not.

Mr. Nicholl stated that the motion on the floor fits the need of calling it Neighborhood Commercial and the Commission can come back and further define what Neighborhood Commercial is.

Further discussion was held on the uses in Neighborhood Commercial.

Vote: The motion failed on a voice vote.

- 3.22 **MOTION:** Mr. Nicholl moved to change the zoning on the ground where the Old Mill sits and the ground that is immediately adjacent to the Old Mill, that was previously defined by the County as C-1 and C-2, to Neighborhood Commercial to reflect the current commercial zoning.

Second: The motion was seconded by Mr. Haymore.

Discussion: Ms. Frost stated this is consistent with what the property was designated before.

My. Haymore withdrew his second.

Substitute Second: The motion was seconded by Ms. Frost.

Further discussion was held on the zoning of this property.

Vote: The motion passed unanimously on a voice vote.

ZONING ORDINANCE

- 3.23 Mr. Nicholl suggested that Page 51, Chapter 19.37.110 – which states “six foot high with painted steel gates” add the wording “visually obscure, painted metal gate”. Mr. Black will carry that verbiage throughout the document.

3.24 Mr. Black said the following words will be added as part of the definitions: City, Departments, Director, Fire Department, Health Department, and Residential Facility for People with Disabilities, substantial completion referring to buildings.

3.25 Mr. Nicholl suggested further definition of home occupation and mother-in-law apartment.

3.26 Ms. Frost referred to Chapter 19.04.01 regarding residential accessory building which states “i.e. the building area must be significantly less than the main structure.” And questioned whether there is a percentage or something else more specific.

Mr. Nicholl suggested it read “cannot exceed the square footage of the footprint of the home”.

Staff will review accessory buildings and make recommendations to the Commission.

3.27 Chair Bowen stated that it was agreed that the Planning Commission members and alternates would receive \$50 per month.

3.28 Mr. Keane stated that on Page 28, Chapter 19.08 – Conditional Uses, said that in some chapters it lists household pets, but does not in this Chapter.

Mr. Black said household pets are listed due to watershed areas and will make sure it is listed in this chapter.

3.29 Mr. Keane stated that for consistency he would like to see square feet and portion of acre both listed and would like the document to be consistent in how sizes are listed.

Mr. Black will list anything an acre and above as acres and anything below an acre in square feet.

3.30 Ms. Frost stated that in Chapter 19.11.100, there are several areas where the document states that fencing needs to be blended.

Mr. Black said Staff is proposing to redo the sensitive lands ordinance after it is adopted and add design guidelines including pitches of roofs, materials used, colors of fences, etc.

3.31 Mr. Keane said that page 37, Item d, suggested that ‘standards’ be more clearly defined.

Mr. Black said he will add ‘parking standards’ to the wording.

3.32 Ms. Ryser asked if there is a definition of height on any of the residential zones.

Mr. Smith said it is included in the supplementary qualifying regulations. Each zone has a height and a definition of how the height is measured.

- 3.33 Mr. Keane said that on Page 43, under 'storage of RVs' it states "shall also be subject to other rules of this code."

Mr. Black said that includes supplementary regulations and nuisance regulations and that language will be carried throughout the document.

- 3.34 Mr. Keane said that Page 50, Neighborhood Commercial, Permitted Uses, Item 8 states "two stories and 15,000 square feet" and questioned if that was total space.

Mr. Black will add 'gross' to the wording.

- 3.35 Mr. Smith suggested that regarding commercial development that abuts residential property, he suggests that Page 54, include a requirement of "trees planted thirty feet on center".

Mr. Black pointed out that this is also regulated by the parking ordinance as well as architectural guidelines for these areas.

- 3.36 Mr. Black noted that Steve Hopkins referred to 35 percent landscaping as he was giving public comment, which is not shown in the proposed ordinances.

The Commission agreed that landscaping in an office park should be 30 percent. Mr. Black will strike #6b under the ORD zone.

- 3.37 Mr. Black said that he is proposing a Gateway Overlay Zone and with that an architectural review committee. The Planning Commission will act as that committee until the time one is appointed.

Mr. Haymore asked if there would be a gateway zone at the south end of Wasatch Blvd.

Mr. Black asked if single family residences should be regulated in the gateway zones. He explained that the ordinance reads that if any part of your property is in the Gateway Overlay Zone, then all of the property is. Mr. Black suggested a 100 feet from the center line of the road all of the way down Wasatch Blvd. which will take care of everything that fronts on Wasatch Blvd.

The Planning Commission agreed.

Mr. Smith asked about Creek Road and Highland Drive being considered a gateway.

The Commission agreed it should also be a gateway.

3.38 Regarding the Sensitive Lands Overlay, Mr. Smith explained that the City Engineer has reviewed the City and County codes and noted where the City's code is more or less restrictive than the County's code. The City Engineer recommended that the language from the 1974 Flood Plain Hazards Regulations and the 1975 Geologic Hazards Regulations be included in the verbiage.

3.39 Mr. Smith noted in Chapter 19.76.170, Staff would work on language regarding heights and also noted that he changed 'building' to 'structure' in this section.

3.40 Ms. Harwell said that Page 91, regarding junk, stated that the period of two years is a long time to look at junk.

Mr. Haymore agreed that two years is too long.

Mr. Smith said that he will be bringing the Planning Commission "Regulations on Operable and Inoperable Vehicle Storage" for their comments that deals with this issue.

It was agreed that the two year period will be changed to one year.

3.41 Mr. Keane questioned portable signs.

Staff felt that the definitions were adequate and could be discussed at a future date if necessary.

3.42 Mr. Black stated that Deanne Leatherman brought up awnings at the public hearing and asked if they could be permitted in the ORD zone. The Planning Commission stated that they did not have a problem with using awnings in that zone.

3.43 City Attorney Shane Topham stated that the new State Land Use Management Act has a standard for conditional uses that he will add to the code.

3.44 Regarding wireless towers, Mr. Smith explained that a table is included and establishes that there can be no lattice towers, that towers are shared when possible, that towers are to be located on public property if possible, that they must be a stealth or monopole, and cannot go above the roof line of the building.

3.45 **MOTION:** Ms. Frost moved to accept the Zoning Ordinance as presented including the amendments made tonight and recommend approval to the City Council. The motion was seconded by Mr. Keane and passed unanimously on a voice vote.

SUBDIVISION ORDINANCE

3.46 Sue Ryser said that in the past there was a case of an applicant that wanted to develop a subdivision and could fit the number of lots permissible in the zone, but two of the back

lots required access. He recommended that the road be privately owned and be considered part of the lot size. She questioned if this issue is covered in the proposed zoning ordinance. Ms. Ryser believes that a lot is a lot and a road is a road.

Mr. Haymore said that the zoning ordinance states that the lot size is exclusive of roads and sidewalks.

Chair Bowen recommended this issue be placed on a future agenda for study.

- 3.47 **MOTION:** Mr. Haymore moved to recommend approval of the Subdivision Ordinance to the City Council. The motion was seconded by Ms. Ryser and passed unanimously on a voice vote.

4.0 **OTHER BUSINESS (Reports by Commissioners)**

- 4.1 No reports were given.

5.0 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 5.1 Kevin Smith asked the Planning Commissioners to submit the disclosure statements they were given.

6.0 **ADJOURN**

- 6.1 The business meeting adjourned at 10:07 p.m.